IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

Bail Appl..No. 2337 of 2007()

C.R. NO. 8 OF 2000 OF EXCISE RANGE, MATTANNOOR

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PETITIONER/2ND ACCUSED :

MADHUSOODANAN, S/O.KUMARAN, AGED 29 YEARS,
PARERI HOUSE, PALAPPARAMBU, KOOTHUPARAMBA,
THOKKILANGADI, THALASSERY TALUK

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:

STATE OF KERALA, REPRESENTING EXCISE INSPECTOR,
MATTANNOOR EXCISE RANGE, KANNUR DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-04-2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 2337 of 2007

DATED: 11-04-2007

O R D E R

Petitioner who is the 2nd accused in C.R. No. 8 of 2000 of Excise Range, Mattannur for an offence punishable under Section 55 (a) of the Abkari Act for allegedly transporting large quantities of I.M.F.L. seeks his enlargement on bail.

2. Consequent on his non-appearance in C.P. 24/2002 on the file of the Judl. First Class Magistrate, Mattannur, the case against him was split up and transferred to the Long Pending Case Register as L.P. 5 of 2004. At a time when non-bailable warrants were pending against him, he approached this Court seeking anticipatory bail by filing B.A. 1860 of 2007. This court disposed of the said application on 23-3-2007 directing him to surrender before the Magistrate within two weeks of the said order and the Magistrate was directed to consider and dispose of his application for regular bail, after examining his explanation for his previous non-appearance, and also after considering his contention that the co-accused in the case was acquitted after trial.

3. The petitioner, thereafter, filed C.M.P. 1091 of 2007 before the Magistrate for regular bail. On 10-4-2007, the said application was rejected stating that the said application was filed beyond the 14 days fixed by this Court. Consequently , the petitioner was remanded to judicial custody where he continues. The petitioner has shown sufficient cause for not filing the bail application within 14 days of the earlier order dated 23-3-2007 passed by this Court . Accordingly, I am inclined to give the petitioner time to have his regular bail considered by the Magistrate in the light of the order dated 23-3-2007 in B.A. 1860 of 2007. Accordingly, if the petitioner files another application for bail before the Magistrate within 10 days from today, the same shall be considered and disposed of in compliance of the directions in the order dated 23-3-2007 in B.A. 1860 of 2007.

With the above observation this application is disposed of .

V.RAMKUMAR, JUDGE.

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